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10/733,655	12/11/2003	Michael Anthony Alagna	6002-00701	8885

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EXAMINER
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RAYYAN, SUSAN F

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/733,655	Applicant(s) ALAGNA ET AL.	
	Examiner Susan F. Rayyan	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 91-126 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/04, 8/8/08, 1/10/05, 9/19/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-90 in the reply filed on May 4, 2007 is acknowledged.

2. Claims 91-126 are cancelled.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-15, 22- 45,52-75,82-90 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Number 6,785,732 issued to Carry Lee Bates et al ("Bates").**

**As per claim 1** Bates anticipates:

A method performed by an information handling system, the method comprising:

determining whether a resource is likely misrepresented as a trusted resource within a global computer network (column 2, lines 10-14, web server includes virus checker for checking e-mails and their attachments).

**As per claim 2** same as claim arguments above and Bates anticipates:

wherein the resource is likely misrepresented by a content of a web page (column 2, lines 25-32, as web page contains links labeled as possible source for known viruses).

**As per claim 3** same as claim arguments above and Bates anticipates:

wherein the content is an information entry field embedded in the web page (column 2, lines 25-32, link).

**As per claim 4** same as claim arguments above and Bates anticipates:

wherein the web page is a first web page, and wherein the content is an address of a second web page (column 2, lines 28-32, requested URL contains link address to second web page).

**As per claim 5** same as claim arguments above and Bates anticipates:

wherein the address is a hyperlink embedded in the first web page (column 2, lines 28-32, requested URL contains link) address to second web page).

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**As per claim 6** same as claim arguments above and Bates anticipates:

wherein the resource is likely misrepresented by a content of an electronic message (column 2, lines 10-15, e-mail).

**As per claim 7** same as claim arguments above and Bates anticipates:

wherein the content is an information entry field embedded in the electronic message (column 2, lines 10-15, e-mail attachments, downloaded files and web-sites).

**As per claim 8** same as claim arguments above and Bates anticipates:

wherein the content is an address of a web page (column 2, lines 24-27, URL).

**As per claim 9** same as claim arguments above and Bates anticipates:

wherein the address is a hyperlink embedded in the electronic message (column 2, lines 24-27, URL link).

**As per claim 10** same as claim arguments above and Bates anticipates:

wherein the content is a source address of the electronic message (column 2, lines 24-27, link).

**As per claim 11** same as claim arguments above and Bates anticipates:

wherein the resource is a web page (column 2, lines 25-32 as webpage).

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**As per claim 12** same as claim arguments above and Bates anticipates:

wherein determining whether the resource is likely misrepresented as a trusted resource comprises analyzing an address of the web page (column 2, lines 24-35 and Figure 9, Ref.No. 922, as URL has/has not been labeled as a source for known viruses).

**As per claim 13** same as claim arguments above and Bates anticipates:

wherein the analyzing comprises:

in response to determining that the address points to a known trusted web page, determining that the web page is not misrepresented as a trusted resource (column 10, lines 51 to column 11, lines 6 and Figure 9, Ref.No. 950).

**As per claim 14** same as claim arguments above and Bates anticipates:

wherein the analyzing comprises in response to determining that the address points to a known mistrusted web page, determining that the web page is likely misrepresented as a trusted resource (column 10, lines 51 to column 11, lines 6 and Figure 9, Ref.No. 922).

**As per claim 15** same as claim arguments above and Bates anticipates:

wherein determining whether the resource is likely misrepresented as a trusted resource comprises analyzing a content of the web page (column 2, lines 28-32, requested URL contains link address to second web page and Figure 9, Ref.No. 920).

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**As per claim 22** same as claim arguments above and Bates anticipates:

wherein determining whether the resource is likely misrepresented as a trusted resource comprises analyzing information associated with the web page (column 6, lines 10-20, URL are compared to determine if the website contains a known virus).

**As per claim 23** same as claim arguments above and Bates anticipates:

wherein the web page is part of a website, and wherein analyzing the information comprises determining an age of the website (column 6, lines 1-20, virus information database).

**As per claim 24** same as claim arguments above and Bates anticipates:

wherein the web page is part of a website, and wherein analyzing the information comprises determining a size of the website (column 6, lines 1-20, virus information database).

**As per claim 25** same as claim arguments above and Bates anticipates:

wherein the web page is part of a website, and wherein analyzing the information comprises determining a number of hyperlinks to the website by a known trusted resource (column 10, lines 59-62, all links on webpage are compared to list of URL in virus information database).

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**As per claim 26** same as claim arguments above and Bates anticipates:

wherein determining whether the resource is likely misrepresented as a trusted resource comprises:

outputting a signal to a computing system that hosts the web page, and analyzing the computing system's response thereto (see Figure 8, 832,834, message sent to web client and information entered in the virus information database).

**As per claims 27,57,87** same as claim arguments above and Bates anticipates:

wherein determining whether the resource is likely misrepresented as a trusted resource comprises:

performing at least two of the following operations:

analyzing an address of the web page(column 2, lines 24-35 and Figure 9, Ref.No. 922, as URL has/has not been labeled as a source for known viruses);  
analyzing a content of the web page(column 2, lines 24-35 and Figure 9, Ref.No. 922, as URL has/has not been labeled as a source for known viruses);  
analyzing a layout of the web page(column 2, lines 28-32, requested URL contains link address to second web page and Figure 9, Ref.No. 920);  
analyzing information associated with the web page(column 6, lines 10-20, URL are compared to determine if the website contains a known virus);  
and outputting information to the web page and analyzing the web page's response thereto(column 6, lines 55-62, notification of virus detected);



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in response to the performed operations, determining a score indicative of whether the resource is likely misrepresented as a trusted resource (column 10, lines 64-65, BAD determination).

**Claims 31-45,52-56,61-75,82-86** are rejected based on the same rationale as claims 1-15 , 22-26 above.

**As per claims 28-30,58-60,88-90** are rejected based on the same rationale as claim 27 ,57,87 above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 16-19, 46-49, 76-79**are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,785,732 issued to Carry Lee Bates et al (“Bates”) as applied to claim 15,45,75 above, and further in view of US Patent Publication Number 2002/0046065 issued to Robert J. Nigham (“Nigham”).

**As per claim 16** Bates does not explicitly teach that the content includes a predetermined content Nigham does teach that the content includes a

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predetermined content (Figure 2, ref.no. 22,as on-line banking and on-line financial transaction content to allow on-line banking services. It would have been obvious to a person of ordinary skill in the art of the invention to modify Bates with pre-determine content to allow on-line banking services (paragraph 3).

**As per claim 17** same as claim arguments above and Nigham teaches:

wherein the predetermined content is a request for financial information (Figure 2, ref.no. 22,as on-line banking and on-line financial transaction).

**As per claim 18** same as claim arguments above and Nigham teaches:

wherein the financial information is information about a bank account (Figure 2, ref.no. 22,as on-line banking and on-line financial transaction).

**As per claim 19** same as claim arguments above and Nigham teaches:

wherein the financial information is information about a credit card account. (Figure 2, ref.no. 22,as on-line banking and on-line financial transaction).

**Claims 46-49, 76-79** are rejected based on the same rationale as claims 16-19.

**Claims 20-21,50-51,80-81** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates as applied to claim\*\*\* above, and further in view of US Patent Application Number 2004/0088570 issued to Guy Williams Welch Roberts ("Roberts").

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**As per claim 20** same as claim arguments above and Bates does not explicitly teach wherein determining whether the resource is likely misrepresented as a trusted resource comprises analyzing a layout of the web page. Roberts does teach this limitation (paragraph 37, as checksum the webpage) to efficiently detect viruses. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates with analyzing a layout of the web page to efficiently detect viruses.

**As per claim 21** same as claim arguments above and Bates does not explicitly teach wherein the analyzing comprises in response to determining that the layout is similar to a layout of a known mistrusted web page, determining that the web page is likely misrepresented as a trusted resource. Roberts teaches this limitation (paragraph 37, as checksum the webpage) to efficiently detect viruses. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates with wherein the analyzing comprises in response to determining that the layout is similar to a layout of a known mistrusted web page, determining that the web page is likely misrepresented as a trusted resource to efficiently detect viruses.

**Claims 50-51, 80-81** are rejected based on the same rationale as claims 20-21 above.

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### Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/15/2007

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